



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22304-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,055	12/15/2003	Christopher P. Thorman	P3217US1	5217

29855 7590 02/16/2007  
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
L.L.P.  
20333 SH-249  
SUITE 600  
HOUSTON, TX 77070

EXAMINER

LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
----------	--------------

2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/737,055

Applicant(s)

THORMAN ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to:
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the applicants' communication received on November 15, 2006.
2. Claims 1-76 are presented for examination. The applicants have not amended any claims.
3. Applicants arguments with respect to claims 1-76 have been considered but are moot in view of the new grounds of rejection.

### ***Drawings***

4. The replacement drawing sheets for figures 3A-3C received on November 15, 2006 are accepted by the Examiner.
5. The objection to drawing figures 4 and 5 presented in the office action dated August 17, 2006 is hereby withdrawn.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 25, 40, 49, and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

Claims 1, 25, 40, 49, and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject. Claims 1, 25, 40, 49, and 65 a

Art Unit: 2167

plurality of file system locations, each location has zero or more file objects, and a display has a superset of file objects associated with each file system. The claimed inventions, as a whole must accomplish a **practical application**. That is, it must produce a **"useful, concrete and tangible result."** *State Street*, 149 F.3d at 1373, 47 USPQ2s at 1601-02. *MPEP* 2106. In this case the **result** is simply displaying in a single display more than one file system location and these file system locations have file objects. The claimed limitations are an abstraction as they are not **useful, concrete, and tangible** they are not put in any tangible form and not useful because they are not presented in such a way as to produce and/or provide some result that is of utility that may exist in the specification however no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under 101 as not producing a **"useful, concrete and tangible result."**

Independent claims 1, 25, 40, 49, and 65 do not manipulate any data or data structure, wherein the manipulation and/or transformation of a data structure or data would produce a useful, concrete and tangible result.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9, 11, 12, 14-17, 25-31, 33, 35, 36, 40-46, 49-55, and 61-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Saka (Publication No.: US 2004/0070608 A1 filed October 10, 2002).

10. Regarding Claims 1, 25, 40, 49, and 65, Saka teaches an apparatus and method for transferring files from one machine to another using adjacent desktop displays in a virtual network.

The method and associated system for transferring files from one machine to another using adjacent desktop displays in a virtual network as taught or suggested by Saka includes:

designating a plurality of file system locations (figure 1, 'Local System' and 'Remote System', paragraph 0004), wherein each file system location is associated with zero or more file objects (figure 1); displaying a superset of the file objects associated with each of the designated file system locations in a single display (figure 1, "Local System, M:\Shareware & EVA\FT" and "Remote System, /, .dt, etc."); a central processing unit (figure 4, element 202); memory (figure 4, element 208) operatively coupled to the central processing unit; a computer network (paragraphs 0031 and 0033) coupled to the central processing unit; a display unit (paragraph 0042); a storage device (figure 2, elements 108, 110, and 112); and display on the display unit (figure 2, elements 108, 110, and 112), a file-browser application (paragraph 0040).

Art Unit: 2167

11. Regarding Claim 2, Saka teaches the act of designating is performed explicitly by a user (paragraph 0004, 'The user then clicks the arrow button in the center of the screen...').
12. Regarding Claims 3, 52, and 66, Saka teaches the file system comprises a hierarchical file system (figure 1).
13. Regarding Claims 4, 30, 42, 53, and 67, Saka teaches the file system comprises a non-hierarchical file system (paragraphs 0041-0042).
14. Regarding Claims 5, 28, 41, and 51, Saka teaches instructions to designate comprise instructions to designate the file system locations on at least two different computer systems (paragraph 0004, 'target file or folder in the first computer and a recipient drive or folder in the second computer.').
15. Regarding Claims 6, 29, and 55, Saka teaches designating comprises designating a cached (figure 4, element 208) file structure image as a file system location (figure 1).
16. Regarding Claim 7, Saka teaches designating file system locations on at least two different computer systems comprises designating file system locations on at least two different computer systems (figure 1, paragraph 0004 and 0041-0043).
17. Regarding Claims 8 and 54, Saka teaches designating file system locations on at least two different computer systems comprises designating file system locations on at least two different computer systems (paragraph 0004, 'target file or folder in the first computer and a recipient drive or folder in the second computer.') communicatively coupled by a personal area network (paragraphs 0031 and 0033).

Art Unit: 2167

18. Regarding Claims 9, 31, and 44, Saka teaches displaying comprises identifying those file objects present in each of the designated file system locations in a first manner and those file objects present in only one of the designated file system locations in a second manner (paragraphs 0041-0043, 'transfer program 900').

19. Regarding Claim 11, Saka teaches identifying file objects in a first manner comprises displaying file objects using a first characteristic icon (paragraph 0043, 'File Copy Configuration tab 1072') and the act of identifying file objects in a second manner comprises displaying file objects using a second characteristic icon (paragraph 0043, 'Application Move Configuration tab 1076').

20. Regarding Claims 12, 33, and 45, Saks teaches identifying those file objects present in more than one and less all of the designated file locations in a third manner (figures 1 and 12).

21. Regarding Claims 14, 63, and 64, Saks teaches identifying file objects in a third manner comprises displaying file objects using a third characteristic icon (figures 1 and 12).

22. Regarding Claims 15, 61, and 75, the limitations of these claims have been noted in the rejections of claims 1 and 11 presented above. They are therefore rejected as set forth above.

23. Regarding Claims 16, 35, 46, 62, and 76, Saka teaches visually associating information tags with at least one of the displayed file objects (figure 1, 'ftp server for').

24. Regarding Claims 17 and 36, Saka teaches visually associating information tags comprises visually associating one or more alphanumeric symbols with a displayed file

Saka teaches identifying file objects in a third manner

Art Unit: 2167

object, the alphanumeric symbols identifying the number of designated file system locations associated with the file object (figure 12, 'File, Copy, Config, etc.').

25. Regarding Claims 26 and 43, Saka teaches instructions to designate a plurality of file system locations comprise instructions to permit a user to explicitly designate a plurality of file system locations (paragraphs 0040-0043).

26. Regarding Claims 27, 50, 68, and 69, Saks teaches instructions to designate a plurality of file system locations comprise instructions to select one or more default file system locations (paragraphs 0040-0043).

27. Regarding Claims 49 and 65, the limitations of these claims have been noted in the rejections of claims 1, 5, and 25 presented above. They are therefore rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 10, 13, 18-24, 32, 34, 37-39, 47, 48, 56-60, and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saka (Publication No.: US 2004/0070608 A1 filed October 10, 2002) as applied to claim 1 above, and further in view of Starbuck et al. (Pub. No.: US 2003/0084096 A1 filed May 16, 2002, hereinafter Starbuck).



Art Unit: 2167

30. Regarding Claims 10, 13, 32, and 34, Saka teaches displaying file objects in a first and second manner (figures 1 and 12, paragraphs 0004 and 0041-0043. However, Saka does not expressly teach displaying file objects in a first and second color.

Starbuck teaches displaying file objects in a first and second color (paragraphs 0104 and 0114-0118).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the display browser window of Saka's method with the true color environment of Starbuck's method because Starbuck's true color environment could enable the display browser window of Saka's method to enhance and define the objects of the display browser window, wherein the true-color image is nearly a photographic color that is presented through a process of allocating an increased amount of memory to each pixel of a display (see Starbuck, paragraph 0116).

31. Regarding Claims 18, 37, 47, 56, and 70, Starbuck teaches selecting a display file object (paragraph 0063); issuing a command against the selected file object (paragraph 0063); and copying the selected file object to a specified the location in each of the designated file system locations that it is not already associated with in response to the command (paragraphs 0102 and 0103).

32. Regarding Claims 19, 38, 57, and 71, Starbuck teaches a file object displayed in a non-superset file-browser (paragraph 0064); graphically dragging and dropping the selected file object to a specified location in the designated file system locations (paragraph 0013); and copying the selected file object to the specified location in each

Art Unit: 2167

of the designated file system locations in response to dragging and dropping (paragraphs 0102 and 0103, figure 3B, element 312 'Copy this file').

33. Regarding Claims 20, 39, 58, and 72, Starbuck teaches copying the selected file object in accordance with a specified merge policy (paragraphs 0118 and 0123).

34. Regarding Claim 21, Starbuck teaches the specified merge policy comprises a write-over merge policy (paragraphs 0041, 0118, and 0123).

35. Regarding Claim 22, Starbuck teaches the specified merge policy comprises a copy-the-latest file object merge policy (paragraphs 0118 and 0123).

36. Regarding Claims 23, 48, 59, and 73, the limitations of these claims have been noted in the rejections of claims 1, 18, and 19 presented above. They are therefore rejected as set forth above.

37. Regarding Claims 24, 60, and 74, the limitations of these claims have been noted in the rejections of claims 18 and 19 presented above. In addition, Starbuck teaches a directory indicating a designated location (paragraph 0071).

**NAME OF CONTACT**

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

Art Unit: 2167

number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
February 13, 3007